

REMARKS

Applicant respectfully requests consideration of the subject application.

This Response is submitted in response to the Office Action mailed May 9, 2007.

Claims 1-22 are pending. Claims 1-22 are rejected. In this Amendment, claims 1-3, 5-6, 9 and 13 have been amended, claims 4, 7-8, 12 and 14-22 have been cancelled, and claims 23 and 24 are new. No new matter has been added.

35 U.S.C. § 112 Rejections

The Examiner has rejected claims 1-21 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1-3, 5-6, 9 and 13 have been amended and claims 4, 7-8, 12 and 14-22 have been cancelled.

Applicants, accordingly, respectfully request withdrawal of the rejections under 35 U.S.C. § 112.

35 U.S.C. §102 Rejections

The Examiner has rejected claims 1-7, 9-10, 12-13 and 22 under 35 U.S.C. § 102(b) as being anticipated by Gics, (U.S Patent No.: 5,565,228, hereinafter "Gics"), claims 2-5, 8-9, 11-12 and 14-15 under 35 U.S.C. § 102(b) as being

anticipated by DeRienzo, (U.S Patent No.: 5,223,685, hereinafter "DeRienzo"), claims 1-7, 9-13, 16-18 and 21 under 35 U.S.C. § 102(b) as being anticipated by Young, (U.S Patent No.: 5,585,027, hereinafter "Young") and claims 2, 4-5, 8-9 and 19-20 under 35 U.S.C. § 102(b) as being anticipated by Sterker, et al., (U.S Patent No.: 5,008,508, hereinafter "Sterker").

None of the cited references disclose a device or method for elevating only a central portion of a pizza and whilst, of course, it is easy to say it all depends upon the size of pizza to be used, there is no actual teaching of elevation of a central portion, as required by claims 1 and 2.

The Examiner submits that peripheral edge portions sagging supports such a limitation. Applicants disagree. The Examiner is assuming a very pliant dough edge which is not the case with most pizzas and the extent of overhang may be relevant in preventing sag.

The prior art does not really describe elevating the central portion of a pizza. The elevation of the central portion of a pizza, which would otherwise have the tendency to be cooked less than the periphery, advantageously causes that central portion be in a slightly hotter layer within a convection oven and thus improving the cooking rate of the central portion. Also saving of energy results in that less overall cooking time is required.

As regards Gics, Applicants respectfully disagree with the Examiner's suggestion that Gics describes supporting a pizza during cooking such that a raising of the central portion of the pizza occurs above the level of the peripheral region during cooking. Fig. 8 of Gics merely shows melted cheese 94 in the left-hand portion running into the leg portion 24 which forms part of a collection reservoir 90 to prevent "wicking." Thus, the pizza product shown is heated but there is no sagging. This is to be expected since the majority of the base of the pizza is supported by a flat surface and only a small overhanging portion remains and such a small overhang would not sag. It is important to note in this Gics, that if the edge of the pizza actually drooped onto surface 26, then the said "wicking" of cheese would occur, contrary to Gics objectives.

Also, Gics does not disclose any aperture in the elevating portion nor does Gics disclose a central domed region.

Furthermore, Gics is for use with microwave cookers which have considerably different considerations – see lines 1-4 of column 4, the microwaves 82 are able to enter the space 81 in order to create uniform heating of the pizza 12 and thus eliminate cold spots in the pizza 12. In Gics, only a small elevation is involved. Moreover, Applicants note that with a small pizza, less than the diameter of the circular portion 18, Gics would support such a pizza entirely.

The Examiner submits Gics shows a dome-shape in Fig. 8. Applicants disagree. Gics merely shows a stepped edge to a main flat plateau.

The Examiner submits Gics discloses percentages of diameter. Applicants disagree. Gics provides no teaching of percentages. Furthermore, one of skill in the art would not modify Gics to arrive at the presently claimed percentages. Gics fails to teach or suggest any reason for supporting only 25-75% of the cooking portion.

The Examiner further submits Gics discloses at least one aperture 18. Applicants disagree. The aperture 18 is closed by floor member 20, but the floor member 20 is bonded to 14 to close opening 18. An opening that is closed ceases to be an opening. Opening 18 is otherwise simply surrounded by a stepped angular rim.

DeRienzo describes spaced apart small legs which are not suitable for resting on the grating / bars of a convection oven shelf as they are more suited for use on the flat surface of a microwave turntable. In contrast, the device of the present invention has an outwardly extending continuous peripheral rim portion which readily seats on grating bars.

DiRienzo, similarly, does not teach or suggest a pizza supporting device that only supports 25-75% of the pizza to be cooked. In addition, DiRiezno

provides a flat support surface. In contrast, embodiments of the presently claimed invention, require a cooking surface having two different inclinations. One advantage of the differently sloping portions of the elevating upper surface, as required by claim 2, is reduction of topping slide (i.e., the dome-shape reduces the tendency for pizza toppings to slide downwardly and outwardly as would occur if a single, stepped sloped dome were provided). Thus, topping slide is minimized, or even eliminated, by letting the pizza down over two stages.

Young also fails to teach or suggest a pizza support device that only supports 25-75% of the pizza to be cooked. Young explains that the size of its substrate can be adjusted in size and/or shape to correspond to the size and/or shape of the food product being heated. Thus, Young teaches away from such an embodiment.

In addition, Young, similarly, provides a flat support surface. As described above, embodiments of the presently claimed invention, by contrast, require a supporting surface with two different inclinations.

Thus, the cited art fails to teach or suggest all of the limitations of independent claims 1 and 2. Claims 3, 5-6, 9-11, 13 and 23-24 depend, directly or indirectly, from one of the foregoing independent claims. Applicants,

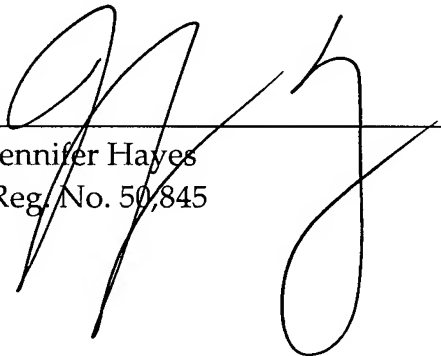
accordingly, respectfully request withdrawal of the rejections under 35 U.S.C. §
102.

Applicants respectfully submit that the present application is in condition
for allowance. If the Examiner believes a telephone conference would expedite
or assist in the allowance of the present application, the Examiner is invited to
call Jennifer Hayes at (408) 720-8300.

Please charge any shortages and credit any overages to Deposit Account
No. 02-2666. Any necessary extension of time for response not already requested
is hereby requested. Please charge any corresponding fee to Deposit Account
No. 02-2666.

Respectfully submitted,
Blakely, Sokoloff, Taylor & Zafman LLP

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